



UNIVERSITY of MARYLAND
BALTIMORE

Office of University Counsel

14th Floor, Room 03-111
220 Arch Street
Baltimore, MD 21201
410 706 5353

www.umaryland.edu

VIA ELECTRONIC MAIL TO 54217-69545770@requests.muckrock.com

January 9, 2018

Stephan Neidenback
c/o MuckRock News
Dept MR 54217
411A Highland Avenue
Somerville, MA 02144-2516

RE: Maryland Public Information Act Request

Dear Mr. Neidenback:

I am writing in response to your facsimile correspondence dated January 2, 2019 and received January 3, 2019 addressed to the University of Maryland, School of Medicine. In your recent correspondence, you request the following information: "All emails to or from Melissa A. McDiarmid, MD, MPH (mmcdiarm@medicine.umaryland.edu) to or from the following individuals: Philip Landrigan, Kristina Thayer, Pietro Comba, Ellen Silbergeld, Lennart Hardell, Marie-Noel Brune Drisse, Belpoggi Fiorella, De Angelis Luana, Mandrioli Daniele, Bua Luciano, Falcioni Laura, Lauriola Michelina, Manservisi Fabiana, Manzoli Isabella, Panzacchi Simona, Tibaldi Eva, Vecchi Giovanni, Gnudi Federica, Manservigi Marco, Menghetti Ilaria, Montella Rita, Strollo Valentina, [and] Vornoli Andrea... from May 18, 2017 to the present." Your letter also mentions that this request was originally submitted on May 21, 2018. Please note that the University has no record of an earlier request.

The University is in the process of searching for documents in its custody that are responsive. It may take up to 30 calendar days to provide you with records or an estimate of fees required because documents responsive to your request may be located in more than one place at the University. Additionally, after searching for records and retrieving any records that are responsive, records are reviewed and may be redacted by the University, to remove information protected by Maryland law, including (but not limited to) the following provisions of the Maryland Code, General Provisions Article:

- a) §4-311 protection of personnel records.
- b) §4-335 which pertains to trade secrets, confidential commercial or financial information.
- c) §4-344 inter/intra-agency letters or memoranda.


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Page 2 of 3

- d) §4-346 protects specific details of a research project that an institution of the State or of a political subdivision is conducting.
- e) §4-351 exempts disclosure of “records of investigation, intelligence information, security procedures, or investigatory files.”
- f) §4-352 “To the extent that the inspection would jeopardize security of any building, structure, or facility; facilitate the planning of a terrorist attack; or endanger the life or physical safety of an individual” to include records prepared to prevent or respond to emergency situations that include certain information regarding medical or storage facilities or laboratories.

In the event that fees are applicable in accordance with Section 4-206 of the Maryland Public Information Act, an estimate of costs will be provided. Costs are calculated and charged according to the actual hourly rate of the persons who perform the work and the actual time expended for the search for, preparation of, and reproduction of records, including media and mechanical processing costs. Hourly rates may range from \$15.43 to \$150.00. The cost of duplication is additional. Payment is required in advance. I have enclosed a copy of the “UMB Policy on Inspection of Public Records” for your reference.

We will be in touch as soon as we have additional information.

Sincerely,



Renita Lewis
Paralegal

Enclosure: UMB Policy VI-5.00(A)

Policies Home

Unit Listing

Academic Affairs

Administration

External Affairs

Financial Affairs

Human Resources

Information Technology

Research

USM/UM Policies

Policies and Procedures

Section VI - 5.00(A) UMB POLICY ON INSPECTION OF PUBLIC RECORDS

It is the policy of the University System of Maryland that public records regarding the affairs of the University System and the official acts of its officers and employees shall be made available for inspection in accordance with the Maryland Access to Public Records Act ("Public Records Act"). These institutional procedures are established to provide guidance to administrators contacted with a request for information pursuant to the Access to Public Records Act.

UMB will cooperate by making public access to documents available as required by law, but will recover its costs for records and reproduction of documents or other materials to the fullest extent permitted by law.

The official responsible for dealing with a public information request is the "custodian of records" -- the person who has the official responsibility for the maintenance of records requested. The official custodians will be held responsible for compliance with these procedures and the Public Records Act. Deans of Schools and Vice Presidents of campus units will be considered official custodians.

All requests under the Public Records Act should be forwarded to the appropriate official custodian for handling and response. The official custodian should contact University Counsel for advice concerning the request. University Counsel will review all requests with the official custodian or an administrator designated by the official custodian to coordinate the response to the request. Exceptions to this requirement will relate to classes and categories of information previously identified by University Counsel or the Office of the Attorney General as subject to disclosure without legal review on a caseby -case basis.

Prior review of non-routine Public Records Act requests with University Counsel is critical because there is much information in University files which is not lawfully available to the public. Some of this information relates to employees; some of it relates to clients and patients; some of it relates to business organizations affiliated with the University which are not State government entities.

Official custodians will be provided with copies of the Public Records Act. These copies should be maintained available for reference in the event of a Public Records Act request.

Approved:
Errol L. Reese, President

UMB Public Information Act Representative: Karen Matthews

Busiess Address: 220 Arch Street, Baltimore, MD 21201

Business Phone: 410-706-2422

Business Email: mpia@umaryland.edu

Internet Address of Governmental Unit: www.umaryland.edu